

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RITCHARD YANOWITZ,

Plaintiff,

- against -

DIVATEX HOME FASHION, INC.,

Defendant.

---

DIVATEX HOME FASHION, INC.,

Counterclaim Plaintiff,

- against -

RITCHARD YANOWITZ and  
BRANDON YANOWITZ,

15 Civ. 807 (KBF)

**NOTICE OF MOTION**

BRANDON YANOWITZ,

Counterclaim Plaintiff,

- against -

DIVATEX HOME FASHION, INC., and  
DAVID GREENSTEIN,

Counterclaim Defendant  
and Additional  
Defendant on the  
Counterclaims.

---

PLEASE TAKE NOTICE that upon the accompanying memorandum of law dated July 29, 2015, and upon all prior pleadings and proceedings herein, Divatex Home Fashion, Inc. and David Greenstein shall move this Court, at the United States Courthouse

located at 500 Pearl Street, New York, New York 10007 before the Honorable Katherine B. Forrest, at such time as counsel may be heard, for an order dismissing Brandon Yanowitz's Amended Counterclaims and Claims Against Additional Defendant on the Counterclaim (ECF No. 73) pursuant to Fed. R. Civ. P. 12(b)(6).

New York, New York  
July 29, 2015

SEWARD & KISSEL LLP

By: /s Anne C. Patin  
Anne C. Patin  
Michael B. Weitman  
One Battery Park Plaza  
New York, New York 10004  
(212) 574-1200

*Attorneys for Divatex Home Fashion, Inc.  
and David Greenstein*

SK 25855 0004 6723629